



House of Representatives

General Assembly

File No. 512

January Session, 2017

Substitute House Bill No. 7276

House of Representatives, April 11, 2017

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING EDUCATION MANDATE RELIEF.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) Not later than April 1, 2014, each regional educational service
4 center shall develop a uniform regional school calendar [to be used]
5 that may be adopted by each local or regional board of education in
6 the area served by such regional educational service center, in
7 accordance with the provisions of [subsections (b) and (c)] subsection
8 (b) of this section. Such uniform regional school calendars shall be
9 consistent with the guidelines for a uniform regional school calendar
10 developed pursuant to section 321 of public act 13-247. Not later than
11 April 1, 2014, each regional educational service center shall submit
12 such uniform regional school calendar to the State Board of Education
13 for approval. Not later than five days after such approval, such
14 regional educational service center shall submit such approved

15 uniform regional school calendar to the joint standing committee of the
16 General Assembly having cognizance of matters relating to education,
17 in accordance with the provisions of section 11-4a.

18 (b) For the school [years] year commencing [July 1, 2014, and July 1,
19 2015] July 1, 2017, and each school year thereafter, a local or regional
20 board of education may adopt the uniform regional school calendar
21 developed and approved pursuant to subsection (a) of this section.

22 [(c) (1) Except as provided in subdivision (2) of this subsection, for
23 the school year commencing July 1, 2016, and each school year
24 thereafter, each local and regional board of education shall use the
25 uniform regional school calendar developed and approved pursuant to
26 subsection (a) of this section.

27 (2) A local or regional board of education may delay
28 implementation of the uniform regional school calendar until the
29 school year commencing July 1, 2017, if such board of education has an
30 existing employee contract that makes implementation of the uniform
31 regional school calendar impossible.

32 (d) (1) Not later than July 1, 2014, the Commissioner of Education
33 shall submit a report on the implementation of uniform regional school
34 calendars and any recommendations for legislation relating to such
35 implementation to the joint standing committee of the General
36 Assembly having cognizance of matters relating to education, in
37 accordance with the provisions of section 11-4a.

38 (2) Not later than January 1, 2015, and July 1, 2016, the
39 Commissioner of Education shall submit a report on the
40 implementation of uniform regional school calendars in those school
41 districts that have adopted a uniform regional school calendar,
42 pursuant to subsection (b) of this section, and any recommendations
43 for legislation relating to such implementation to the joint standing
44 committee of the General Assembly having cognizance of matters
45 relating to education, in accordance with the provisions of section 11-
46 4a.]

47 [(3)] (c) Not later than [January 1, 2016, and] July 1, 2017, and
48 annually thereafter, the Commissioner of Education shall submit a
49 report on which boards of education have adopted the uniform
50 regional school calendar and the implementation of such uniform
51 regional school calendars, pursuant to subsection [(c)] (b) of this
52 section, and any recommendations for legislation relating to such
53 implementation to the joint standing committee of the General
54 Assembly having cognizance of matters relating to education, in
55 accordance with the provisions of section 11-4a.

56 Sec. 2. Subsection (d) of section 10-233d of the general statutes, as
57 amended by section 12 of public act 16-147, is repealed and the
58 following is substituted in lieu thereof (*Effective August 15, 2017*):

59 (d) No local or regional board of education is required to offer an
60 alternative educational opportunity, except in accordance with this
61 section. Any pupil under sixteen years of age who is expelled shall be
62 offered an alternative educational opportunity, which shall be
63 [equivalent to] (1) alternative education, as defined by section 10-74j,
64 with an individualized learning plan, if such board provides such
65 alternative education, or (2) in accordance with the standards adopted
66 by the State Board of Education, pursuant to section 3 of this act,
67 during the period of expulsion, provided any parent or guardian of
68 such pupil who does not choose to have his or her child enrolled in an
69 alternative educational [program] opportunity shall not be subject to
70 the provisions of section 10-184. Any pupil expelled for the first time
71 who is between the ages of sixteen and eighteen and who wishes to
72 continue his or her education shall be offered such an alternative
73 educational opportunity if he or she complies with conditions
74 established by his or her local or regional board of education. Such
75 alternative educational opportunity may include, but shall not be
76 limited to, the placement of a pupil who is at least seventeen years of
77 age in an adult education program pursuant to section 10-69. Any
78 pupil participating in [an] any such adult education program during a
79 period of expulsion shall not be required to withdraw from school
80 under section 10-184. A local or regional board of education shall count

81 the expulsion of a pupil when he was under sixteen years of age for
82 purposes of determining whether an alternative educational
83 opportunity is required for such pupil when he is between the ages of
84 sixteen and eighteen. A local or regional board of education may offer
85 an alternative educational opportunity to a pupil for whom such
86 alternative educational opportunity is not required pursuant to this
87 section.

88 Sec. 3. (NEW) (*Effective from passage*) Not later than August 15, 2017,
89 the State Board of Education shall adopt standards for the provision of
90 an adequate alternative educational opportunity, offered pursuant to
91 subsection (d) of section 10-233d of the general statutes, as amended by
92 this act. Such standards shall include, but need not be limited to, the
93 kind of instruction and number of hours to be provided to a student
94 enrolled in an alternative educational opportunity.

95 Sec. 4. (*Effective July 1, 2017*) (a) Not later than January 1, 2018, the
96 Department of Education shall conduct a survey of local and regional
97 boards of education and their use of digital school management and
98 reporting software. The survey shall include questions relating to
99 whether a local or regional board of education uses a digital school
100 management and reporting software for the purposes of creating,
101 submitting and sharing digital copies of education-related documents
102 with the Department of Education and among authorized users, and
103 whether such software (1) allows authorized users to create and
104 submit a complete digital copy of education-related documents to the
105 portal and share such digital copy with (A) the department, and (B) a
106 local or regional board of education in a case where the student may
107 transfer, (2) provides twenty-four-hour access for an unlimited number
108 of authorized users to use the digital school management and
109 reporting software, (3) allows local and regional boards of education to
110 purchase additional programs to supplement the digital school
111 management and reporting software, and (4) protects the privacy of
112 students when any education-related document is created, submitted
113 and shared using the digital school management and reporting
114 software from unauthorized access, destruction, use, modification or

115 disclosure in accordance with current industry standards.

116 (b) The department shall compile the results of such survey and
117 submit a report on its findings to the joint standing committee of the
118 General Assembly having cognizance of matters relating to education,
119 in accordance with the provisions of section 11-4a of the general
120 statutes. Such report shall include any recommendations regarding the
121 state-wide implementation of a uniform digital school management
122 and reporting software based on the results of the survey concerning
123 any such software that is currently used and successfully implemented
124 by local and regional boards of education in the state.

125 (c) For the purposes of this section, "education-related documents"
126 means a student's education records and any report required under
127 title 10 of the general statutes, including, but not limited to, the
128 strategic school profile report, as described in subsection (c) of section
129 10-220 of the general statutes, and data submitted for inclusion in the
130 state-wide public school information system, pursuant to section 10-
131 10a of the general statutes.

132 Sec. 5. Subsection (o) of section 10-236b of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective July*
134 *1, 2017*):

135 (o) (1) Each local or regional school district shall provide training [to
136 school professionals, paraprofessional staff members and
137 administrators] regarding the physical restraint and seclusion of
138 students to only those teachers, as defined in section 10-144d,
139 administrators, as defined in section 10-144e, and school
140 paraprofessionals who have direct contact with students, and any
141 other school employee, as defined in section 10-222d, designated by
142 the school principal. Such training shall be phased in over a period of
143 three years beginning with the school year commencing July 1, [2015]
144 2017, and shall include, but not be limited to:

145 (A) An overview of the relevant laws and regulations regarding the
146 use of physical restraint and seclusion on students. Such overview

147 shall be provided by the Department of Education to [all school
148 professionals, paraprofessional staff members and administrators]
149 such teachers, administrators, school paraprofessionals and other
150 school employees on or after July 1, [2015] 2017, and annually
151 thereafter, in a manner and form as prescribed by the Commissioner of
152 Education;

153 (B) The creation of a plan by which each local or regional board of
154 education shall provide [school professionals, paraprofessional staff
155 members and administrators] such teachers, administrators, school
156 paraprofessionals and other school employees with training and
157 professional development regarding the prevention of incidents
158 requiring physical restraint or seclusion of students. Such plan shall be
159 implemented not later than July 1, 2017, and shall include a provision
160 to require the training of [all school professionals, paraprofessional
161 staff members and administrators] such teachers, administrators,
162 school paraprofessionals and other school employees in the prevention
163 of such incidents not later than July 1, 2019. The Department of
164 Education may, within available appropriations, provide ongoing
165 monitoring and support to local or regional boards of education
166 regarding the formulation and implementation of the plan; and

167 (C) The creation of a plan by which each local or regional board of
168 education shall provide [school professionals, paraprofessional staff
169 members and administrators] such teachers, administrators, school
170 paraprofessionals and other school employees with training and
171 professional development regarding the proper means of physically
172 restraining or secluding a student, including, but not limited to, (i)
173 various types of physical restraint and seclusion; (ii) the differences
174 between life-threatening physical restraint and other varying levels of
175 physical restraint; (iii) the differences between permissible physical
176 restraint and pain compliance techniques; and (iv) monitoring
177 methods to prevent harm to a student who is physically restrained or
178 in seclusion. Such plan shall be implemented not later than July 1,
179 2017, and shall include a provision to require the training of [all school
180 professionals, paraprofessional staff members and administrators]

181 such teachers, administrators, school paraprofessionals and other
182 school employees in the proper means of physically restraining or
183 secluding a student not later than July 1, 2019, and periodically
184 thereafter as prescribed by the Commissioner of Education;

185 (2) Not later than July 1, 2015, and each school year thereafter, each
186 local or regional board of education shall require each school in the
187 district to identify a crisis intervention team consisting of [school
188 professionals, paraprofessional staff members and administrators]
189 such teachers, administrators, school paraprofessionals and other
190 school employees who have been trained in the use of physical
191 restraint and seclusion pursuant to subparagraph (C) of subdivision (1)
192 of this subsection or chapter 814e. Such teams shall respond to any
193 incident in which the use of physical restraint or seclusion may be
194 necessary as an emergency intervention to prevent immediate or
195 imminent injury to a student or to others. Each member of the crisis
196 intervention team shall be recertified in the use of physical restraint
197 and seclusion pursuant to subparagraph (C) of subdivision (1) of this
198 subsection or chapter 814e on an annual basis.

199 Sec. 6. Subsection (k) of section 10-222c of the general statutes is
200 repealed and the following is substituted in lieu thereof (*Effective July*
201 *1, 2017*):

202 (k) For purposes of this section and section 10-221d, (1) "sexual
203 misconduct" means any verbal, nonverbal, written or electronic
204 communication, or any other act directed toward or with a student
205 that is designed to establish a sexual relationship with the student,
206 including a sexual invitation, dating or soliciting a date, engaging in
207 sexual dialog, making sexually suggestive comments, self-disclosure or
208 physical exposure of a sexual or erotic nature and any other sexual,
209 indecent or erotic contact with a student; [and] (2) "abuse or neglect"
210 means abuse or neglect as described in section 46b-120, and includes
211 any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
212 53a-73a; and (3) "former employer" means any person, firm, business,
213 educational institution, nonprofit agency, corporation, limited liability

214 company, the state, any political subdivision of the state, any
 215 governmental agency, or any other entity that such applicant was
 216 employed by during any of the previous twenty years prior to
 217 applying for a position with a local or regional board of education,
 218 governing council of a state or local charter school or interdistrict
 219 magnet school operator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	10-66q
Sec. 2	<i>August 15, 2017</i>	10-233d(d)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2017</i>	New section
Sec. 5	<i>July 1, 2017</i>	10-236b(o)
Sec. 6	<i>July 1, 2017</i>	10-222c(k)

Statement of Legislative Commissioners:

In Section 2, "A local or regional board of education shall only be required to offer an alternative educational opportunity in accordance with this section." was changed to "No local or regional board of education is required to offer an alternative educational opportunity, except in accordance with this section." for consistency with standard drafting conventions.

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 18 \$	FY 19 \$
Various Local and Regional School Districts	Potential Savings	See Below	See Below

Explanation

The bill results in a potential savings to various local and regional boards of education, as it alters or eliminates several state mandates.

Section 1 eliminates the requirement that boards of education must adopt a uniform school calendar, which correspondingly could eliminate the potential savings districts may have incurred by using the uniform school calendar, such as reduced transportation costs.

Sections 2 and 3 alter alternative education programs for expelled students. Under the bill, districts that do not have an alternative education program for expelled students have the flexibility to offer an alternate program, in accordance with the standards developed by the State Board of Education (SBE). This could result in savings for districts, as an alternative program is likely less expensive.

Section 4 requires SBE to survey local and regional boards of education regarding the use of digital school management and reporting software. This section does not result in a fiscal impact, as SBE has the expertise necessary to execute the survey.

Section 5 results in a savings to local and regional boards of

education as it reduces the number of school district employees who must receive training and professional development in the physical restraint and seclusion of children.

Section 6 narrows the definition of former employer, which could result in fewer employment history record checks, which could equate to a potential savings to the district.

The scope of the savings to each local and regional board of education will be dependent upon the size of the district, the extent to which the programs mentioned above are utilized, and flexibility to adopt more efficient programs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7276*****AN ACT CONCERNING EDUCATION MANDATE RELIEF.*****SUMMARY**

This bill alters or eliminates several state mandates placed upon local and regional boards of education (hereinafter “boards”). Among other things, the bill:

1. allows, rather than requires, boards to follow a unified regional school calendar (§ 1);
2. expands the type of alternative education for expelled students that boards must offer (§§ 2 & 3);
3. reduces the number of board employees who must receive training in student restraint and seclusion (§ 5); and
4. shortens the former employer lookback period that boards of education must consider when conducting background checks of prospective employees (§ 6).

It also requires the State Department of Education (SDE) to conduct a survey of digital reporting software use by school districts (§ 4).

It also makes a number of conforming and technical changes.

EFFECTIVE DATE: July 1, 2017, except the alternative education for expelled students section is effective August 15, 2017 and the requirement for the State Board of Education (SBE) to develop alternative education standards is effective upon passage.

§ 1 — UNIFORM REGIONAL SCHOOL CALENDAR

For school years beginning July 1, 2017 and thereafter, the bill

allows, rather than requires, boards to adopt a uniform regional school calendar developed by its respective regional education service center (RESC). Under current law, all boards had to adopt such a uniform calendar starting with the 2016-17 school year, or starting with the 2017-18 school year if existing employee contracts prevented implementation in 2016-17. By law, the calendar is developed according to guidelines set by the legislature (see BACKGROUND).

The bill requires the education commissioner to report to the Education Committee on which boards have chosen to adopt the regional calendar and any legislative recommendations by July 1, 2017 and annually thereafter. Under current law the commissioner must report annually on the mandated adoption.

§§ 2 & 3 — ALTERNATIVE EDUCATION FOR EXPELLED STUDENTS

Under current law, a board must provide to any expelled student under age 16 an alternative educational opportunity during the expulsion period equivalent to 180 school days and 900 hours of school work. The bill modifies this so that a board must provide the above mentioned 900 hours if the board offers it, but if it does not, it can offer an alternative educational opportunity in accordance with standards the bill requires SBE to adopt no later than August 15, 2017. The standards must include, but are not limited to, the kind of instruction and number of hours to be provided.

§ 4 — SURVEY OF DIGITAL REPORTING SOFTWARE

By January 1, 2018, the bill requires SDE to conduct a survey of local and regional boards of education regarding their use of digital school management and reporting software. The survey must include questions on whether a board uses a digital school management and reporting software for creating, submitting, and sharing digital copies of education-related documents with SDE and among authorized users.

It must also include questions addressing whether the software:

1. allows authorized users to create and submit a complete digital copy of education-related documents to the portal and share the copy with (a) SDE and (b) a board of education when a student transfers;
2. provides 24-hour access for an unlimited number of authorized users;
3. allows boards to purchase supplement programs; and
4. protects student privacy when an education-related document is created, submitted, and shared using the reporting software from unauthorized access, destruction, use, modification or disclosure in accordance with industry standards.

SDE must compile the survey results and submit a report on its findings to the Education Committee. The report must include any recommendations, based on the results, regarding the statewide implementation of a uniform school management and reporting software.

The bill defines “education-related documents” as a student’s education records and any report required under state education law, including the strategic school profile report and data included by law in the statewide public school information system.

§ 5 — RESTRAINT AND SECLUSION TRAINING

The bill reduces the number of school district employees who are required to receive training and professional development in physical restraint and seclusion of students.

It eliminates the requirement that all school professionals, administrators, and paraprofessionals be trained in the proper means of student restraint and seclusion. It instead requires all teachers, administrators, and paraprofessionals, who have direct contact with students, and any other employee the principal designates, to receive training. In the bill, “school employee” includes substitute teachers,

superintendents, guidance counselors, psychologists, social workers, nurses, physicians, or coaches employed by a board, or any other employee who, in the regular performance of his or her duties, has regular contact with students.

It also extends the date, from July 1, 2015 to July 1, 2017, to begin phasing in the training over three years. The bill makes the related conforming changes to, and delays of, other aspects of the statutory training, including:

1. an SDE-provided overview of physical restraint and seclusion laws and regulations,
2. the creation of district-level plans (a) regarding the prevention of incidents requiring physical restraint and seclusion and (b) to provide training and professional development on the proper means of restraining or secluding a student, and
3. the members of each school's required crisis intervention team, which can only include trained employees.

§ 6 — BACKGROUND CHECKS AND FORMER EMPLOYERS

By law, local or regional boards of education, charter school governing councils, and magnet school operators must require certain information from any job applicant who would have direct student contact in the prospective position. The law requires the board to conduct employment history checks of all such applicants, including directly contacting former employers if they were boards of education or employed the applicant in a position that included direct contact with children. The bill narrows the definition of former employer to include only those the applicant has worked for in the previous 20 years prior to applying. Current law does not establish any limit on how far back the employment history check must go.

BACKGROUND

Uniform Regional School Calendar Task Force and Guidelines

By law, RESCs had to develop guidelines for uniform regional

calendars and boards of education were given a deadline to adopt a conforming calendar that had to include the following:

1. at least 180 days of sessions in a school year (as already required by law);
2. a common start date for students of the last Wednesday in August, with a three-day flexible window before or after that Wednesday;
3. uniform days for statutorily required professional development and in-service training for certified employees;
4. up to three uniform school vacation periods during each school year, of which up to two must be one-week vacations and one must be during the summer;
5. Election Day in November as a professional development day when no students attend school; and
6. five flexible days for individual district needs.

RESCs

Each of the six RESCs in the state serves a different geographical region. The RESCs provide various services to local and regional boards of education.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 29 Nay 2 (03/24/2017)